IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6532 OF 2004

Karnatak Lingayat Education Society. .. Petitioner

Vs.

Special Land Acquisition Officer
& Ors. .. Respondents

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Shri V.B.Naik for the petitioner.

Ms S.S.Bhende, AGP for respondent Nos.1 to 3 and 6.

Shri P.S.Dani for respondent Nos.4 and 5.

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With

WRIT PETITION NO.6706 OF 2004

The President,
Akkalkot Municipal Council,
Akkalkot. .. Petitioner.

VS.

Special Land Acquisition Officer,
and Ors. .. Respondents

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Shri Tejas Deshmukh for Shri A.A.Kumbhakoni for the petitioner.

Ms S.S.Bhende, AGP for respondent Nos.1 to 3.

Shri P.S.Dani for respondent No.4 and 5.

Shri V.B.Naik for respondent No.6.

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With

Civil Application No.2212 of 2005
and
Civil Application No.2213 of 2005
In
W.P.No.6706 of 2004

The Chief Officer,
Akkalkot Municipal Council,
Solapur. .. Applicant

Vs.

Special Land Acquisition Officer,
& Ors. .. Respondents
--

Shri Tejas Deshmukh for Shri A.A.Kumbhakoni for the Applicant.

Ms S.S.Bhende, AGP for respondent Nos.1 to 3.

Shri P.S.Dani for respondent No.4 and 5.

Shri V.B.Naik for respondent No.6.
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CORAM : R.M.S.KHANDEPARKAR &
V.M.KANADE, JJ.

DATED : 28th SEPTEMBER, 2005.

P.C.

1. The petitioners in both these petitions are challenging a letter dated 16th April, 2001 issued by the Special Land Acquisition Officer No.III, Solapur,

wherein it is stated that since the land in question is sought to be acquired for private institution, it cannot be acquired.

2. The Government has filed affidavit-in-reply in both these petitions and have in term stated in paragraph 8 thereof that the land in question is reserved in the development plan for a public purpose under the Maharashtra Regional & Town Planning Act, 1966, and therefore, it shall deemed to be a land needed for a public purpose within the meaning of the Land Acquisition Act, 1894, and hence the impugned letter dated 16th April, 2001 issued by the Special Land Acquisition Officer No.III is not in accordance with the law. In view of the categorical admission given by the respondents in their affidavit-in-reply, which is accepted by us, the petitions will have to be allowed in terms of prayer clause (b) in Writ Petition No.6532 OF 2004 and prayer clause (A) in Writ Petition No.6706 of 2004. The petitions are accordingly allowed and the impugned letter dated 16th April, 2001 is quashed and set aside. The rule is made absolute in above terms.

3. It is made clear that the contentions raised by respondent Nos.4 and 5 in the petitions are kept

open.

4. In view of the above, the Civil Application Nos.2212 and 2213 of 2005 do not survive. The same stand disposed of accordingly. Order accordingly.

(R.M.S.KHANDEPARKAR, J)

(V.M.KANADE, J)